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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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In re application of: David A. Waldman et al.

Attorney Docket No.: IDTXP052

Application No.: 10/561,646

Examiner: Punnoose, Roy M.

Filing Date: October 16, 2006

Group: 2886

Title: ACQUISITION OF HIGH  
RESOLUTION BIOMETRIC IMAGES

Confirmation No. 7758

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I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 25, 2010.

Signed: /Danielle Jones/

Danielle Jones

**COMMUNICATION RE PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully submitted that the Patent Term Adjustment provided in the Issue Notification mailed May 12, 2010 may have been determined incorrectly.

First, the "A-delay" under 5 U.S.C. § 154(a) seems to have been calculated incorrectly. The above-referenced application entered the national phase on October 16, 2006. The first substantive communication by the PTO was the Restriction Requirement mailed on June 25, 2009. Accordingly, Applicants believe that the initial "A-delay" should have been 557 days, not 371 days as shown in the PTA calculation on PAIR.

Second, the "B-delay" under 5 U.S.C. § 154(b) seems to have been calculated incorrectly. The length of the period starting three years after the filing date (i.e. October 16, 2009) and the projected issue date (June 1, 2010) is 228 days. Accordingly, Applicants believe that the "B-delay" should have been 228 days, not 527 days as shown in the PTA calculation on PAIR.

Third, Applicants are unclear as to the reason for the 50 days of alleged Applicant delay included in the PTO's PTA calculation.

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/William J. Egan, III/  
William J. Egan, III  
Reg. No. 28,411

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100